

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

DONALD JAMES ANSON,

Plaintiff,

v.

07-CV-0035

UNITED STATES OF AMERICA,
UNITED STATES MARSHALS SERVICE

Defendants.

NOTICE OF MOTION AND MOTION FOR ENLARGEMENT OF TIME

PLEASE TAKE NOTICE that the United States Attorney'S Office, Terrance P. Flynn, United States Attorney for the Western District of New York, Lynn S. Edelman, Assistant United States Attorney, of counsel, hereby moves on behalf of the defendants, for an Order enlarging the defendants' time to answer or otherwise move with respect to the plaintiff's complaint, up until and including July 25, 2007, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure. The affidavit of Lynn S. Edelman is submitted in support of the motion and filed herewith.

Dated: Buffalo, New York, June 25, 2007.

TERRANCE P. FLYNN
UNITED STATES ATTORNEY

S/LYNN S. EDELMAN

BY:

LYNN S. EDELMAN
Assistant U.S. Attorney
U.S. Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
(716) 843-5821
Lynn.Edelman@usdoj.gov

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Plaintiff,

v.

07-CV-0035

UNITED STATES OF AMERICA,
UNITED STATES MARSHALS SERVICE

Defendants.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

LYNN S. EDELMAN, being duly sworn, deposes and says:

1. I am an Assistant U.S. Attorney, of counsel to Terrance P. Flynn, United States Attorney for the Western District of New York, assigned to represent the defendants in the above-captioned action.

2. This affidavit is submitted in support of a motion to enlarge the time for the defendants to answer or otherwise move in response to the above-referenced complaint, up until and including July 25, 2007.

3. An extension of the time for the defendants to answer or otherwise move in response to the complaint is required because to date, I have not received information from the United States Marshals Service which is necessary before I can file an answer or appropriate motion.

4. I have requested, and it is reasonably anticipated that I will receive information necessary to respond to plaintiff's complaint within the next thirty (30) days.

5. I am unable to seek consent of the plaintiff to this request, as he is incarcerated and proceeding pro se.

6. This motion is made prior to the expiration of the time to answer, and no prior request for such relief has been made.

7. It is therefore requested that the defendants be granted an extension up until and including July 25, 2007, to answer or otherwise move with respect to plaintiff's complaint.

S/LYNN S. EDELMAN

LYNN S. EDELMAN
Assistant U.S. Attorney
UNITED STATES ATTORNEY'S
OFFICE
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
(716) 843-5821
lynn.edelman@usdoj.gov

Sworn to before me this
25th day of June, 2007.

S/JEAN L. BOWMAN

JEAN L. BOWMAN
NOTARY PUBLIC STATE OF NEW YORK
Qualified in Niagara County
My Commission Expires May 30, 2010

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the United States Attorney's Office for the Western District of New York and is a person of such age and discretion as to be competent to serve papers.

That on June 25, 2007, she served a copy of the attached **NOTICE OF MOTION AND MOTION FOR ENLARGEMENT OF TIME** by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place stated below, which is the last known address, and by depositing said envelope and contents in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

ADDRESSEE:

Donald James Anson
12332-055
USP Lewisburg
U.S. Penitentiary
Lewisburg, PA 17837

S/SHARON T. BECK

SHARON T. BECK